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REMARKS

Claims 17, 19, 20, 21, 23, 24, 26, 27, 28, 30, and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Farris, *et al.* (U.S. Patent No. 6,122,357). Claims 18 and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Farris, *et al.* (U.S. Patent No. 6,122,357) in view of Schuster, *et al.* (U.S. Patent No. 6,804,224). Claims 22 and 29 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Farris, *et al.* (U.S. Patent No. 6,122,357) in view of Zimmerman, *et al.* (U.S. Patent No. 6,526,131). Claims 17-31 stand provisionally rejected for nonstatutory double patenting over claims 1-39 of co-pending Application No. 10/015,280 and claims 1-53 of co-pending Application No. 10/015,281. Applicants respectfully traverse each rejection individually below and request reconsideration of all claims in the case.

Claim Rejections – 35 U.S.C. §102 Over Farris

Claims 17, 19, 20, 21, 23, 24, 26, 27, 28, 30, and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Farris, *et al.* (U.S. Patent No. 6,122,357). To anticipate claims 17, 19, 20, 21, 23, 24, 26, 27, 28, 30, and 31 under 35 U.S.C. § 102(b), two basic requirements must be met. The first requirement of anticipation is that Farris must disclose each and every element as set forth in Applicants' claims. The second requirement of anticipation is that Farris must enable Applicants' claims. Farris does not meet either requirement and therefore does not anticipate Applicants' claims.

**Farris Does Not Disclose Each And Every Element
Of Independent Claims 17 and 31 Of The Present Application**

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Farris does not disclose each and every element of

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claim 1, and Farris therefore cannot be said to anticipate the claims of the present application within the meaning of 35 U.S. C. § 102.

Independent Claim 17

Independent claim 17 claims:

17. A method for specifying telephone services for a particular callee, comprising:

detecting a call receipt condition from a destination device at a trusted telephone network;

brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service; and

responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity.

Farris Does Not Disclose Detecting A Call Receipt Condition From A Destination Device At A Trusted Telephone Network

The first element of claim 17 claims “detecting a call receipt condition from a destination device at a trusted telephone network....” Regarding the first element of claim 17, the Office Action at page 2 states that Farris at Figure 1, reference numeral 11 and column 7, lines 5-15, discloses:

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[D]etecting a call receipt condition from a destination device (e.g. off-hook line) at a trusted telephone network (telephone network with minimal security) (Fig. 1, 11; col. 7, lines 5-15; enabled to process a call)....

That is, the Office Action takes the position that Farris at Figure 1, reference numeral 11 and column 7, lines 5-15, discloses the first element of claim 17. Applicants respectfully note in response, however, that Farris at column 8, lines 30-31, describes Figure 1, reference numeral 11 as "a number of end office and tandem office type central office switching systems 11." That is, Farris own description of Figure 1, reference numeral 11 demonstrates that Figure 1, reference numeral 11 does not disclose detecting a call receipt condition from a destination device at a trusted telephone network as claimed in claim 17. As such, the rejection should be withdrawn.

Turning now to column 7, lines 5-15, Applicants further note with respect that Farris at column 7, lines 5-15, in fact discloses:

Outgoing call features, however, are personalized to each subscriber. For example, the network can provide each user a different level of service which, according to a preferred embodiment of the invention, may impose restrictions on that user. In addition, the network may direct the performance of a variety of functions both within and without the network. These functions preferably include the identification of the second party to the communication, and the specific nature of the functions are at least in part determined by that identification. The service uses speech based identification.

That is, Farris at Figure 1, reference numeral 11 and column 7, lines 5-15, discloses a central office switch, outgoing call features, and a network that may direct the performance of a variety of functions both within and without the network. A central office switch, outgoing call features, and a network that may direct the performance of a variety of functions both within and without the network is not detecting a call receipt

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That is, Farris at Figure 1, reference numeral 23, discloses an intelligent peripheral. Farris' own description of Figure 1, reference numeral 23 does not disclose brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service. As such, the rejection should be withdrawn.

Turning now to Farris at column 11, lines 32-54, Applicants also note in response that Farris at column 11, lines 32-54, in fact discloses:

The IP 23 can provide a wide range of call processing functions, such as message playback and digit collection. In the preferred system, the IP also performs speaker identification/verification (SIV) on audio signals received from users. Specifically, the IP 23 used for the personalized service includes a voice authentication module to perform the necessary speaker identification/verification function. The IP 23 also includes storage for subscriber specific template or voice feature information, for use in identifying and authenticating subscribers based on speech.

In the simplest form, the IP 23 serving a subscriber's local area stores the templates and performs the speaker identification/verification. However, in a system serving a large geographic area and providing personal dial tone to a large, roaming subscriber base, the templates may be transferred between SCP/IP pairs, to allow an IP near a subscriber's current location to perform the speaker identification/verification on a particular call. For example, if a remote IP 23.sub.R required a template for a subscriber from the region served by the IP 23, the remote IP 23.sub.R would transmit a template request message through the network 27 to the IP 23. The IP 23 would transmit the requested template back through the network 27 to the remote IP 23.sub.R.

That is, Farris at column 11, lines 32-54, discloses an intelligent peripheral that provides a wide range of call processing functions over a particular geographic area. Farris's

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intelligent peripheral that provides a wide range of call processing functions over a particular geographic area is not brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service as claimed in the present application. In fact, Farris at column 11, lines 32-54 does not even mention 'destination device,' 'a connection between said destination device and an external server,' or 'brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service.' Because Farris does not disclose each and every element and limitation of independent claim 17, Farris does not anticipate independent claim 17, and the rejection should be withdrawn.

Turning now to Farris at column 12, lines 45-64, Applicants also note in response that what Farris at column 12, lines 45-64, in fact discloses is:

In accord with one aspect of the present invention, before providing dial-tone service, the SSP central office 11 that is serving an outgoing call extends the call to the IP 23 providing the speaker identification/verification (SIV) functionality. In the preferred embodiments, this operation involves AIN type call routing to the IP. The IP 23 prompts the caller and collects identifying information, preferably in the form of speech. The IP analyzes the caller's input to identify the caller as a particular subscriber. If successful, the IP signals the SSP to load profile data for that subscriber into the register assigned to the call in the call store. In most of the preferred service applications, the IP disconnects, and the SSP central office 11 processes the call in accord with the loaded profile information. For example, the central office 11 may now provide actual dial tone or provide a message prompting the caller to dial a destination number. The caller dials digits, and the central office processes the digits to provide the desired outgoing call service, in the normal manner. The IP may stay on the line, to monitor speech and thus caller identity, for some service applications.

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That is, Farris at column 12, lines 45-64, discloses a central office switch extending a call from a caller to an intelligent peripheral for identification of the caller. Farris's disclosure of a central office switch extending a call from a caller to an intelligent peripheral for identification of the caller is not brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service as claimed in the present application. In fact, Farris at column 12, lines 45-64, does not even mention 'destination device,' 'a connection between said destination device and an external server,' or 'brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service.' Because Farris does not disclose each and every element and limitation of independent claim 17, Farris does not anticipate independent claim 17, and the rejection should be withdrawn.

Farris Does Not Disclose Responsive To Receiving, From Said External
Server, An Authenticated Callee Identity Of A Callee Utilizing Said
Destination Device, Specifying Services Available To Said
Callee According To Said Authenticated Callee Identity

The third element of claim 17 claims "responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity."

Regarding the third element of claim 17, the Office Action at page 2 states that Farris at column 34, line 52, through column 38, line 53, discloses:

[R]esponsive to receiving, from said external server, an authentication callee identity of a callee utilizing said destination device, specifying services available to said callee (e.g., permitting voice communication) according to said authenticated callee identity (col. 34, line 52 – col. 38, line 53).

That is, the Office Action takes the position that Farris at column 34, line 52, through column 38, line 53, discloses the third element of claim 17. Applicants respectfully note

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in response, however, that Farris at column 34, line 52, through column 38, line 53, in fact discloses an example implementation of Farris in which calls to and from a child are restricted based on the child's personal profile. Farris's example implementation in which calls to and from a child are restricted based on the child's personal profile is not responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity as claimed in the present application. In fact, Farris at column 34, line 52, through column 38, line 53, does not even mention 'services available to said callee,' 'services available to said callee according to said authenticated callee identity,' 'specifying services available to said callee according to said authenticated callee identity,' or 'responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity.' Because Farris does not disclose each and every element and limitation of independent claim 17, Farris does not anticipate independent claim 17, and the rejection should be withdrawn.

Independent Claim 31

Independent claim 31 claims:

31. A computer program product for specifying telephone services for a particular callee, comprising:

a recording medium;

means, recorded on said recording medium, for detecting a call receipt condition from a destination device at a trusted telephone network;

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means, recorded on said recording medium, for brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service; and

means, recorded on said recording medium, for specifying services available to said callee according to an authenticated callee identity received from said external server.

Farris Does Not Disclose Means, Recorded On Said Recording Medium,
For Detecting A Call Receipt Condition From A Destination Device
At A Trusted Telephone Network

The second element of claim 31 claims "means, recorded on said recording medium, for detecting a call receipt condition from a destination device at a trusted telephone network...." Regarding the second element of claim 31, the Office Action at page 4 states that Farris at column 37, lines 39-46, discloses:

means, recorded on said recording medium, for detecting a call receipt condition from a destination device at a trusted telephone network (telephone network with minimal security) (col. 37, lines 39-46)....

That is, the Office Action takes the position that Farris at column 37, lines 39-46, discloses the second element of independent claim 31. Applicants respectfully note in response, however, that Farris at column 37, lines 39-46, in fact discloses:

When the IP 23 receives input speech and extracts the characteristic information during actual call processing, the IP compares the extracted speech information to stored pattern information, to identity and authenticate the particular caller. In the present example, the voice authentication module 233 in the IP 23 compares the extracted speech information to the stored template or feature data for each subscriber

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associated with the particular off-hook line. This includes the children A and B.

That is, Farris at column 37, lines 39-46, discloses an intelligent peripheral that compares the extracted speech information to the stored template or feature data for each subscriber associated with an off-hook line. Farris's intelligent peripheral that compares the extracted speech information to the stored template or feature data for each subscriber associated with an off-hook line is not a means, recorded on said recording medium, for detecting a call receipt condition from a destination device at a trusted telephone network as claimed in the present application. In fact, Farris at column 37, lines 39-46, does not even mention 'call receipt condition,' 'destination device,' 'trusted telephone network,' or 'detecting a call receipt condition from a destination device at a trusted telephone network.' Because Farris does not disclose each and every element and limitation of independent claim 31, Farris does not anticipate independent claim 31, and the rejection should be withdrawn.

Farris Does Not Disclose Means, Recorded On Said Recording Medium,
For Brokering A Connection Between Said Destination Device And An External
Server Enabled To Perform A Callee Identity Authentication Service

The third element of claim 31 claims "means, recorded on said recording medium, for brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service...." Regarding the third element of claim 31, the Office Action at page 4 states that Farris at Figure 1, reference numeral 23R, column 11, lines 32-54, and column 37, lines 30-37, discloses:

means, recorded on said recording medium, for brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service (Fig. 1, 23R; remote IP server) (col. 11, lines 32-54; col. 37, lines 30-37)....

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That is, the Office Action takes the position that Farris at Figure 1, reference numeral 23R, column 11, lines 32-54, and column 37, lines 30-37, discloses the third element of independent claim 31. Applicants respectfully note in response, however, that Farris at column 11, lines 2 and 54, describes Figure 1, reference numeral 23R, as an intelligent peripheral. That is, Farris's own description of Figure 1, reference numeral 23R demonstrates that Figure 1, reference numeral 23R, does not disclose means, recorded on said recording medium, for brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service. As such, the rejection should be withdrawn.

Turning now to Farris at column 11, lines 32-54, Applicants note in response that Farris at column 11, lines 32-54, in fact discloses:

The IP 23 can provide a wide range of call processing functions, such as message playback and digit collection. In the preferred system, the IP also performs speaker identification/verification (SIV) on audio signals received from users. Specifically, the IP 23 used for the personalized service includes a voice authentication module to perform the necessary speaker identification/verification function. The IP 23 also includes storage for subscriber specific template or voice feature information, for use in identifying and authenticating subscribers based on speech.

In the simplest form, the IP 23 serving a subscriber's local area stores the templates and performs the speaker identification/verification. However, in a system serving a large geographic area and providing personal dial tone to a large, roaming subscriber base, the templates may be transferred between SCP/IP pairs, to allow an IP near a subscriber's current location to perform the speaker identification/verification on a particular call. For example, if a remote IP 23.sub.R required a template for a subscriber from the region served by the IP 23, the remote IP 23.sub.R would transmit a template request message through the network 27 to the IP 23. The IP 23

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would transmit the requested template back through the network 27 to the remote IP 23.sub.R.

That is, Farris at column 11, lines 32-54, discloses an intelligent peripheral that provides a wide range of call processing functions over a particular geographic area. Farris's intelligent peripheral that provides a wide range of call processing functions over a particular geographic area is not means, recorded on said recording medium, for brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service as claimed in the present application. In fact, Farris at column 11, lines 32-54, does not even mention 'destination device,' 'connection between said destination device and an external server,' or 'brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service.' Because Farris does not disclose each and every element and limitation of independent claim 31, Farris does not anticipate independent claim 31, and the rejection should be withdrawn.

Turning now to Farris at column 37, lines 30-37, Applicants further note in response that what Farris at column 37, lines 30-37, in fact discloses is:

As previously explained, the IP 23 stores a template or other voice pattern information for each person who has the personalized service in the area that the IP normally services. If the IP 23 does not store the particular template or feature information it needs to process a call, the IP 23 can communicate with a remote IP 23.sub.R to obtain that information. In the present shared line example, the IP 23 will store template or feature data for each subscriber associated with the particular off-hook line.

That is, Farris at column 37, lines 30-37, discloses an intelligent peripheral storing voice pattern information for subscribers or having access to voice pattern information for subscribers through other intelligent peripheral. Farris's intelligent peripheral that stores voice pattern information for subscribers or has access to voice pattern information for

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subscribers through other intelligent peripheral is not means, recorded on said recording medium, for brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service as claimed in the present application. In fact, Farris at column 37, lines 30-37, does not even mention 'destination device,' 'connection between said destination device and an external server,' or 'brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service.' Because Farris does not disclose each and every element and limitation of independent claim 31, Farris does not anticipate independent claim 31, and the rejection should be withdrawn.

Farris Does Not Disclose Means, Recorded On Said Recording Medium,
For Specifying Services Available To Said Callee According To An
Authenticated Callee Identity Received From Said External Server

The fourth element of claim 31 claims "means, recorded on said recording medium, for specifying services available to said callee according to an authenticated callee identity received from said external server." Regarding the fourth element of claim 31, the Office Action at page 4 states that Farris at column 12, lines 45-64, and column 34, line 52, through column 38, line 53, discloses:

means, recorded on said recording medium, for specifying services
available to said callee according to an authenticated callee identity
received from said external server (col. 12, lines 45-64; col. 34, line 52 –
col. 38, line 53).

That is, the Office Action takes the position that Farris at column 12, lines 45-64, and column 34, line 52, through column 38, line 53, discloses the fourth element of independent claim 31. Applicants respectfully note in response, however, that Farris at column 12, lines 45-64, in fact discloses:

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In accord with one aspect of the present invention, before providing dial-tone service, the SSP central office 11 that is serving an outgoing call extends the call to the IP 23 providing the speaker identification/verification (SIV) functionality. In the preferred embodiments, this operation involves AIN type call routing to the IP. The IP 23 prompts the caller and collects identifying information, preferably in the form of speech. The IP analyzes the caller's input to identify the caller as a particular subscriber. If successful, the IP signals the SSP to load profile data for that subscriber into the register assigned to the call in the call store. In most of the preferred service applications, the IP disconnects, and the SSP central office 11 processes the call in accord with the loaded profile information. For example, the central office 11 may now provide actual dial tone or provide a message prompting the caller to dial a destination number. The caller dials digits, and the central office processes the digits to provide the desired outgoing call service, in the normal manner. The IP may stay on the line, to monitor speech and thus caller identity, for some service applications.

That is, Farris at column 12, lines 45-64, discloses a central office switch extending a call from a caller to an intelligent peripheral for identification of the caller. Farris's disclosure of a central office switch extending a call from a caller to an intelligent peripheral for identification of the caller is not means, recorded on said recording medium, for specifying services available to said callee according to an authenticated callee identity received from said external server as claimed in the present application. In fact, Farris at column 12, lines 45-64, does not even mention 'services available to said callee' or 'specifying services available to said callee according to an authenticated callee identity received from said external server.' Because Farris does not disclose each and every element and limitation of independent claim 31, Farris does not anticipate independent claim 31, and the rejection should be withdrawn.

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Turning now to Farris at column 34, line 52, through column 38, line 53, Applicants note in response that Farris at column 34, line 52, through column 38, line 53, in fact discloses an example implementation of Farris in which calls to and from a child are restricted based on the child's personal profile. Farris's example implementation in which calls to and from a child are restricted based on the child's personal profile is not means, recorded on said recording medium, for specifying services available to said callee according to an authenticated callee identity received from said external server as claimed in the present application. In fact, Farris at column 34, line 52, through column 38, line 53, does not even mention 'services available to said callee' or 'specifying services available to said callee according to an authenticated callee identity received from said external server.' Because Farris does not disclose each and every element and limitation of independent claim 31, Farris does not anticipate independent claim 31, and the rejection should be withdrawn.

Farris Does Not Enable Each And Every Element
Of The Claims Of The Present Application

Not only must Farris disclose each and every element of the claims of the present application within the meaning of *Verdegaal* in order to anticipate Applicants' claims, but Farris must also be an enabling disclosure of each and every element of the claims of the present application within the meaning of *In re Hoeksema*, 399 F.2d 269, 158 USPQ 596, (CCPA 1968). In *Hoeksema*, the claims were rejected because an earlier patent disclosed a structural similarity to the applicant's chemical compound. The court in *Hoeksema* stated: "We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention." *In re Hoeksema*, 399 F.2d at 273, 158 USPQ at 600. The meaning of *Hoeksema* for the present case is that unless Farris places Applicants' claims in the possession of a person of ordinary skill in the art, Farris is legally insufficient to anticipate Applicants' claims under 35 USC 102(b).

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Independent Claim 17

Independent claim 17 claims:

17. A method for specifying telephone services for a particular callee, comprising:
- detecting a call receipt condition from a destination device at a trusted telephone network;
- brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service; and
- responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity.

Farris Does Not Place In Possession Of A Person Of Ordinary Skill In The
Art Detecting A Call Receipt Condition From A Destination
Device At A Trusted Telephone Network

The first element of claim 17 claims “detecting a call receipt condition from a destination device at a trusted telephone network...” Regarding the first element of claim 17, the Office Action at page 2 states that Farris at Figure 1, reference numeral 11 and column 7, lines 5-15, discloses:

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[D]etecting a call receipt condition from a destination device (e.g. off-hook line) at a trusted telephone network (telephone network with minimal security) (Fig. 1, 11; col. 7, lines 5-15; enabled to process a call)....

That is, the Office Action takes the position that Farris at Figure 1, reference numeral 11 and column 7, lines 5-15, discloses the first element of claim 17. Applicants respectfully note in response, however, that Farris at column 8, lines 30-31, describes Figure 1, reference numeral 11 as "a number of end office and tandem office type central office switching systems 11." That is, Farris own description of Figure 1, reference numeral 11 demonstrates that Figure 1, reference numeral 11 does not disclose detecting a call receipt condition from a destination device at a trusted telephone network as claimed in claim 17. As such, the rejection should be withdrawn.

Turning now to column 7, lines 5-15, Applicants further note with respect that Farris at column 7, lines 5-15, in fact discloses:

Outgoing call features, however, are personalized to each subscriber. For example, the network can provide each user a different level of service which, according to a preferred embodiment of the invention, may impose restrictions on that user. In addition, the network may direct the performance of a variety of functions both within and without the network. These functions preferably include the identification of the second party to the communication, and the specific nature of the functions are at least in part determined by that identification. The service uses speech based identification.

That is, Farris at Figure 1, reference numeral 11 and column 7, lines 5-15, discloses a central office switch, outgoing call features, and a network that may direct the performance of a variety of functions both within and without the network. A central office switch, outgoing call features, and a network that may direct the performance of a variety of functions both within and without the network is not detecting a call receipt

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condition from a destination device at a trusted telephone network as claimed in the present application. In fact, Farris at Figure 1, reference numeral 11 and column 7, lines 5-15, never even once mentions 'a call receipt condition,' 'a destination device,' 'trusted telephone networks,' or 'detecting a call receipt condition from a destination device at a trusted telephone network.' Because Farris does not place in the possession of a person of ordinary skill in the art each and every element and limitation of independent claim 17, Farris does not anticipate independent claim 17, and the rejection should be withdrawn.

Farris Does Not Place In Possession Of A Person Of Ordinary Skill In The
Art Brokering A Connection Between Said Destination Device And An
External Server Enabled To Perform A Callee Identity Authentication Service

The second element of claim 17 claims "brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service" Regarding the second element of claim 17, the Office Action at page 2 states that Farris at Figure 1, reference numeral 23, column 11, lines 32-54, column 12, lines 45-64, discloses:

[B]rokering a connection between said destination device and an external server (external to destination device) (Fig. 1, 23; col. 11, lines 32-54; col. 12; lines 45-64), enabled to perform a callee identity authentication....

That is, the Office Action takes the position that Farris at Figure 1, reference numeral 23, column 11, lines 32-54, column 12, lines 45-64, discloses the second element of claim 17. Applicants respectfully note in response, however, that Farris at column 11, lines 1-2, describes Figure 1, reference numeral 23, in the following manner:

The preferred telephone network also includes one or more intelligent peripherals (IPs) 23 to provide enhanced announcement and digit collection capabilities and speech recognition

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That is, Farris at Figure 1, reference numeral 23, discloses an intelligent peripheral. Farris' own description of Figure 1, reference numeral 23 does not disclose brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service. As such, the rejection should be withdrawn.

Turning now to Farris at column 11, lines 32-54, Applicants also note in response that Farris at column 11, lines 32-54, in fact discloses:

The IP 23 can provide a wide range of call processing functions, such as message playback and digit collection. In the preferred system, the IP also performs speaker identification/verification (SIV) on audio signals received from users. Specifically, the IP 23 used for the personalized service includes a voice authentication module to perform the necessary speaker identification/verification function. The IP 23 also includes storage for subscriber specific template or voice feature information, for use in identifying and authenticating subscribers based on speech.

In the simplest form, the IP 23 serving a subscriber's local area stores the templates and performs the speaker identification/verification. However, in a system serving a large geographic area and providing personal dial tone to a large, roaming subscriber base, the templates may be transferred between SCP/IP pairs, to allow an IP near a subscriber's current location to perform the speaker identification/verification on a particular call. For example, if a remote IP 23.sub.R required a template for a subscriber from the region served by the IP 23, the remote IP 23.sub.R would transmit a template request message through the network 27 to the IP 23. The IP 23 would transmit the requested template back through the network 27 to the remote IP 23.sub.R.

That is, Farris at column 11, lines 32-54, discloses an intelligent peripheral that provides a wide range of call processing functions over a particular geographic area. Farris's

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intelligent peripheral that provides a wide range of call processing functions over a particular geographic area is not brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service as claimed in the present application. In fact, Farris at column 11, lines 32-54 does not even mention 'destination device,' 'a connection between said destination device and an external server,' or 'brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service.' Because Farris does not place in the possession of a person of ordinary skill in the art each and every element and limitation of independent claim 17, Farris does not anticipate independent claim 17, and the rejection should be withdrawn.

Turning now to Farris at column 12, lines 45-64, Applicants also note in response that what Farris at column 12, lines 45-64, in fact discloses is:

In accord with one aspect of the present invention, before providing dial-tone service, the SSP central office 11 that is serving an outgoing call extends the call to the IP 23 providing the speaker identification/verification (SIV) functionality. In the preferred embodiments, this operation involves AIN type call routing to the IP. The IP 23 prompts the caller and collects identifying information, preferably in the form of speech. The IP analyzes the caller's input to identify the caller as a particular subscriber. If successful, the IP signals the SSP to load profile data for that subscriber into the register assigned to the call in the call store. In most of the preferred service applications, the IP disconnects, and the SSP central office 11 processes the call in accord with the loaded profile information. For example, the central office 11 may now provide actual dial tone or provide a message prompting the caller to dial a destination number. The caller dials digits, and the central office processes the digits to provide the desired outgoing call service, in the normal manner. The IP may stay on the line, to monitor speech and thus caller identity, for some service applications.

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That is, Farris at column 12, lines 45-64, discloses a central office switch extending a call from a caller to an intelligent peripheral for identification of the caller. Farris's disclosure of a central office switch extending a call from a caller to an intelligent peripheral for identification of the caller is not brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service as claimed in the present application. In fact, Farris at column 12, lines 45-64, does not even mention 'destination device,' 'a connection between said destination device and an external server,' or 'brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service.' Because Farris does not place in the possession of a person of ordinary skill in the art each and every element and limitation of independent claim 17, Farris does not anticipate independent claim 17, and the rejection should be withdrawn.

Farris Does Not Place In Possession Of A Person Of Ordinary Skill In The Art
Responsive To Receiving, From Said External Server, An Authenticated Callee
Identity Of A Callee Utilizing Said Destination Device, Specifying Services
Available To Said Callee According To Said Authenticated Callee Identity

The third element of claim 17 claims "responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity."

Regarding the third element of claim 17, the Office Action at page 2 states that Farris at column 34, line 52, through column 38, line 53, discloses:

[R]esponsive to receiving, from said external server, an authentication callee identity of a callee utilizing said destination device, specifying services available to said callee (e.g., permitting voice communication) according to said authenticated callee identity (col. 34, line 52 – col. 38, line 53).

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That is, the Office Action takes the position that Farris at column 34, line 52, through column 38, line 53, discloses the third element of claim 17. Applicants respectfully note in response, however, that Farris at column 34, line 52, through column 38, line 53, in fact discloses an example implementation of Farris in which calls to and from a child are restricted based on the child's personal profile. Farris's example implementation in which calls to and from a child are restricted based on the child's personal profile is not responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity as claimed in the present application. In fact, Farris at column 34, line 52, through column 38, line 53, does not even mention 'services available to said callee,' 'services available to said callee according to said authenticated callee identity,' 'specifying services available to said callee according to said authenticated callee identity,' or 'responsive to receiving, from said external server, an authenticated callee identity of a callee utilizing said destination device, specifying services available to said callee according to said authenticated callee identity.' Because Farris does not place in the possession of a person of ordinary skill in the art each and every element and limitation of independent claim 17, Farris does not anticipate independent claim 17, and the rejection should be withdrawn.

Independent Claim 31

Independent claim 31 claims:

31. A computer program product for specifying telephone services for a particular callee, comprising:

a recording medium;

means, recorded on said recording medium, for detecting a call receipt condition from a destination device at a trusted telephone network;

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means, recorded on said recording medium, for brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service; and

means, recorded on said recording medium, for specifying services available to said callee according to an authenticated callee identity received from said external server.

Farris Does Not Place In Possession Of A Person Of Ordinary Skill In The Art Means, Recorded On Said Recording Medium, For Detecting A Call Receipt Condition From A Destination Device At A Trusted Telephone Network

The second element of claim 31 claims “means, recorded on said recording medium, for detecting a call receipt condition from a destination device at a trusted telephone network....” Regarding the second element of claim 31, the Office Action at page 4 states that Farris at column 37, lines 39-46, discloses:

means, recorded on said recording medium, for detecting a call receipt condition from a destination device at a trusted telephone network (telephone network with minimal security) (col. 37, lines 39-46)....

That is, the Office Action takes the position that Farris at column 37, lines 39-46, discloses the second element of independent claim 31. Applicants respectfully note in response, however, that Farris at column 37, lines 39-46, in fact discloses:

When the IP 23 receives input speech and extracts the characteristic information during actual call processing, the IP compares the extracted speech information to stored pattern information, to identity and authenticate the particular caller. In the present example, the voice authentication module 233 in the IP 23 compares the extracted speech

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information to the stored template or feature data for each subscriber associated with the particular off-hook line. This includes the children A and B.

That is, Farris at column 37, lines 39-46, discloses an intelligent peripheral that compares the extracted speech information to the stored template or feature data for each subscriber associated with an off-hook line. Farris's intelligent peripheral that compares the extracted speech information to the stored template or feature data for each subscriber associated with an off-hook line is not a means, recorded on said recording medium, for detecting a call receipt condition from a destination device at a trusted telephone network as claimed in the present application. In fact, Farris at column 37, lines 39-46, does not even mention 'call receipt condition,' 'destination device,' 'trusted telephone network,' or 'detecting a call receipt condition from a destination device at a trusted telephone network.' Because Farris does not place in the possession of a person of ordinary skill in the art each and every element and limitation of independent claim 31, Farris does not anticipate independent claim 31, and the rejection should be withdrawn.

Farris Does Not Place In Possession Of A Person Of Ordinary Skill In The
Art Means, Recorded On Said Recording Medium, For Brokering A
Connection Between Said Destination Device And An External Server
Enabled To Perform A Callee Identity Authentication Service

The third element of claim 31 claims "means, recorded on said recording medium, for brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service...." Regarding the third element of claim 31, the Office Action at page 4 states that Farris at Figure 1, reference numeral 23R, column 11, lines 32-54, and column 37, lines 30-37, discloses:

means, recorded on said recording medium, for brokering a connection
between said destination device and an external server enabled to perform

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a callee identity authentication service (Fig. 1, 23R; remote IP server) (col. 11, lines 32-54; col. 37, lines 30-37)....

That is, the Office Action takes the position that Farris at Figure 1, reference numeral 23R, column 11, lines 32-54, and column 37, lines 30-37, discloses the third element of independent claim 31. Applicants respectfully note in response, however, that Farris at column 11, lines 2 and 54, describes Figure 1, reference numeral 23R, as an intelligent peripheral. That is, Farris's own description of Figure 1, reference numeral 23R demonstrates that Figure 1, reference numeral 23R, does not disclose means, recorded on said recording medium, for brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service. As such, the rejection should be withdrawn.

Turning now to Farris at column 11, lines 32-54, Applicants note in response that Farris at column 11, lines 32-54, in fact discloses:

The IP 23 can provide a wide range of call processing functions, such as message playback and digit collection. In the preferred system, the IP also performs speaker identification/verification (SIV) on audio signals received from users. Specifically, the IP 23 used for the personalized service includes a voice authentication module to perform the necessary speaker identification/verification function. The IP 23 also includes storage for subscriber specific template or voice feature information, for use in identifying and authenticating subscribers based on speech.

In the simplest form, the IP 23 serving a subscriber's local area stores the templates and performs the speaker identification/verification. However, in a system serving a large geographic area and providing personal dial tone to a large, roaming subscriber base, the templates may be transferred between SCP/IP pairs, to allow an IP near a subscriber's current location to perform the speaker identification/verification on a particular call. For

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example, if a remote IP 23.sub.R required a template for a subscriber from the region served by the IP 23, the remote IP 23.sub.R would transmit a template request message through the network 27 to the IP 23. The IP 23 would transmit the requested template back through the network 27 to the remote IP 23.sub.R.

That is, Farris at column 11, lines 32-54, discloses an intelligent peripheral that provides a wide range of call processing functions over a particular geographic area. Farris's intelligent peripheral that provides a wide range of call processing functions over a particular geographic area is not means, recorded on said recording medium, for brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service as claimed in the present application. In fact, Farris at column 11, lines 32-54, does not even mention 'destination device,' 'connection between said destination device and an external server,' or 'brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service.' Because Farris does not place in the possession of a person of ordinary skill in the art each and every element and limitation of independent claim 31, Farris does not anticipate independent claim 31, and the rejection should be withdrawn.

Turning now to Farris at column 37, lines 30-37, Applicants further note in response that what Farris at column 37, lines 30-37, in fact discloses is:

As previously explained, the IP 23 stores a template or other voice pattern information for each person who has the personalized service in the area that the IP normally services. If the IP 23 does not store the particular template or feature information it needs to process a call, the IP 23 can communicate with a remote IP 23.sub.R to obtain that information. In the present shared line example, the IP 23 will store template or feature data for each subscriber associated with the particular off-hook line.

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That is, Farris at column 37, lines 30-37, discloses an intelligent peripheral storing voice pattern information for subscribers or having access to voice pattern information for subscribers through other intelligent peripheral. Farris's intelligent peripheral that stores voice pattern information for subscribers or has access to voice pattern information for subscribers through other intelligent peripheral is not means, recorded on said recording medium, for brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service as claimed in the present application. In fact, Farris at column 37, lines 30-37, does not even mention 'destination device,' 'connection between said destination device and an external server,' or 'brokering a connection between said destination device and an external server enabled to perform a callee identity authentication service.' Because Farris does not place in the possession of a person of ordinary skill in the art each and every element and limitation of independent claim 31, Farris does not anticipate independent claim 31, and the rejection should be withdrawn.

Farris Does Not Place In Possession Of A Person Of Ordinary Skill In
The Art Means, Recorded On Said Recording Medium, For Specifying
Services Available To Said Callee According To An Authenticated
Callee Identity Received From Said External Server

The fourth element of claim 31 claims "means, recorded on said recording medium, for specifying services available to said callee according to an authenticated callee identity received from said external server." Regarding the fourth element of claim 31, the Office Action at page 4 states that Farris at column 12, lines 45-64, and column 34, line 52, through column 38, line 53, discloses:

means, recorded on said recording medium, for specifying services available to said callee according to an authenticated callee identity received from said external server (col. 12, lines 45-64; col. 34, line 52 – col. 38, line 53).

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That is, the Office Action takes the position that Farris at column 12, lines 45-64, and column 34, line 52, through column 38, line 53, discloses the fourth element of independent claim 31. Applicants respectfully note in response, however, that Farris at column 12, lines 45-64, in fact discloses:

In accord with one aspect of the present invention, before providing dial-tone service, the SSP central office 11 that is serving an outgoing call extends the call to the IP 23 providing the speaker identification/verification (SIV) functionality. In the preferred embodiments, this operation involves AIN type call routing to the IP. The IP 23 prompts the caller and collects identifying information, preferably in the form of speech. The IP analyzes the caller's input to identify the caller as a particular subscriber. If successful, the IP signals the SSP to load profile data for that subscriber into the register assigned to the call in the call store. In most of the preferred service applications, the IP disconnects, and the SSP central office 11 processes the call in accord with the loaded profile information. For example, the central office 11 may now provide actual dial tone or provide a message prompting the caller to dial a destination number. The caller dials digits, and the central office processes the digits to provide the desired outgoing call service, in the normal manner. The IP may stay on the line, to monitor speech and thus caller identity, for some service applications.

That is, Farris at column 12, lines 45-64, discloses a central office switch extending a call from a caller to an intelligent peripheral for identification of the caller. Farris's disclosure of a central office switch extending a call from a caller to an intelligent peripheral for identification of the caller is not means, recorded on said recording medium, for specifying services available to said callee according to an authenticated callee identity received from said external server as claimed in the present application. In fact, Farris at column 12, lines 45-64, does not even mention 'services available to said callee' or 'specifying services available to said callee according to an authenticated callee identity

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received from said external server.' Because Farris does not place in the possession of a person of ordinary skill in the art each and every element and limitation of independent claim 31, Farris does not anticipate independent claim 31, and the rejection should be withdrawn.

Turning now to Farris at column 34, line 52, through column 38, line 53, Applicants note in response that Farris at column 34, line 52, through column 38, line 53, in fact discloses an example implementation of Farris in which calls to and from a child are restricted based on the child's personal profile. Farris's example implementation in which calls to and from a child are restricted based on the child's personal profile is not means, recorded on said recording medium, for specifying services available to said callee according to an authenticated callee identity received from said external server as claimed in the present application. In fact, Farris at column 34, line 52, through column 38, line 53, does not even mention 'services available to said callee' or 'specifying services available to said callee according to an authenticated callee identity received from said external server.' Because Farris does not place in the possession of a person of ordinary skill in the art each and every element and limitation of independent claim 31, Farris does not anticipate independent claim 31, and the rejection should be withdrawn.

Relations Among Claims

Independent claim 17 claims method aspects of specifying telephone services for a particular callee according to embodiments of the present invention. Independent claim 24 claims system aspects of specifying telephone services for a particular callee according to embodiments of the present invention. Claim 17 is allowable for the reasons set forth above. For the same reasons that Farris does not disclose or enable the method of independent claim 17 for specifying telephone services for a particular callee, Farris also does not disclose or enable a system for specifying telephone services for a particular callee as claimed in independent claim 24. Independent claim 24 therefore is patentable and should be allowed.

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Claims 18-23 and 25-30 depend respectively from independent claims 17 and 24. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Farris does not disclose or enable each and every element of the independent claims, Farris does not disclose or enable each and every element of the dependent claims of the present application. As such, claims 18-23 and 25-30 are also patentable and should be allowed.

Claim Rejections – 35 U.S.C. § 103

Claims 18 and 25 stand rejected under 35 U.S.C § 103(a) as unpatentable over Farris, *et al.* (U.S. Patent No. 6,122,357) in view of Schuster, *et al.* (U.S. Patent No. 6,804,224). Additionally, claims 22 and 29 stand rejected under 35 U.S.C § 103(a) as unpatentable over Farris, *et al.* (U.S. Patent No. 6,122,357) in view of Zimmerman, *et al.* (U.S. Patent No. 6,526,131). The rejection of claims 18, 22, 25, and 29 relies on the previous U.S.C. § 102 rejection of the Office Action arguing that Farris discloses each and every limitation of claims 17 and 24. Applicants have demonstrated above that Farris does not disclose each and every element of claim 17 and 24.

To establish a *prima facie* case of obviousness, the proposed combinations of the references must teach or suggest all of the claim limitations of claims 18, 22, 25, and 29. In *re* Royka, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). Claims 18, 22, 25, and 29 depend from independent claims 17 and 24 and include all of the limitations of the claims from which they depend. Because the proposed combinations rely on the argument that Farris teaches each and every element claims 17 and 24, and because Farris in fact does not teach or suggest each and every element of claims 17 and 24, the proposed combinations cannot teach or suggest all the claim limitations of claims 18, 22, 25, and 29. Neither the proposed combinations of Farris and Schuster nor the proposed combination of Farris and Zimmerman therefore can establish a *prima facie* case of obviousness, and the rejections should be withdrawn.

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Double Patenting Rejections

Claims 17-31 in the present application are rejected for obviousness-type double patenting over claims 1-39 of co-pending Application No. 10/015,280. The Office Action states that claims 17-31 are rejected as being unpatentable over claims 1-39 of co-pending Application No. 10/015,280 and over claims 1-53 of co-pending Application No. 10/015,281 because:

The disclosure and the claims of the above co-pending Applications disclose the same invention (e.g. specifying telephony services for a particular callee) in the instant application.

The law governing double patenting is that the analysis employed in an obviousness-type double patenting determination "is analogous to a failure to meet the nonobviousness requirement of 35 U.S.C. 103 except that the patent principally underlying the double patenting rejection is not considered prior art." *In re Braithwaite*, 379 F.2d 594, 154 USPQ 29 (CCPA 1967). Therefore, any analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. *In re Braat*, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985)." *Manual of Patent Examining Procedure* § 804 IIB1. The guidelines for a 35 U.S.C. § 103 obviousness determination require that the Office Action to establish a prima facie case of obviousness and to establish a background for determining obviousness under 35 U.S.C. § 103 using the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The Office Action does not establish a prima facie case of obviousness for claims 17-31 of the present application in view of co-pending Application No. 10/015,280 or in view of co-pending Application No. 10/015,281, and the Office Action does not establish the background for determining obviousness using the factual inquiries set forth in *Graham*. In addition, the Office Action fails to state reasons why a person of skill in the

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art would conclude that the claims are obvious. The double patenting rejection of claims 17-31 of the present application should therefore be withdrawn.

The Office Action Fails to Meet The Prima Facie Requirements
for a Double Patenting Rejection

Because the law governing double patenting is that the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. § 103(a) rejection, Examiner must establish a prima facie case of obviousness by factually supporting the obviousness-type double patenting conclusion. *Manual of Patent Examining Procedure* § 2142. To establish a prima facie case of obviousness for claims 17-31 of the present application, the Office Action must demonstrate that co-pending Application No. 10/015,280 and co-pending Application No. 10/015,281 teach or suggest all of the limitations of claims 17-31 in the present case. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974). The Office Action, however, does not even attempt to demonstrate that co-pending Application No. 10/015,280 and co-pending Application No. 10/015,281 teach or suggest all of the limitations of claims 17-31 in the present case. The Office Action only provides a mere conclusory statement that co-pending Application No. 10/015,280 and co-pending Application No. 10/015,281 “disclose the same invention” as claims 17-31 of the present application. Such a conclusory statement is not sufficient to factually support a prima facie case of obviousness in an obviousness-type double patenting rejection. Because the Office Action cannot support an obviousness-type double patenting rejection, the obvious-type double patenting rejection should be withdrawn.

The Office Action Fails to Establish the Required
Background for the Double Patenting Rejection

Because the law governing double patenting is that the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. § 103(a) rejection, the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S.

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1, 148 USPQ 459 (1966) must be applied to establish a background for determining obviousness-type double patenting. *Manual of Patent Examining Procedure* § 804 IIB1.

The *Graham* factual inquiries require the Examiner to:

- determine the scope and content of the art as described in co-pending Application No. 10/015,280 and in co-pending Application No. 10/015,281;
- determine the differences between the scope and content of the art as described in co-pending Application No. 10/015,280 and the claims at issue and the differences between the scope and content of the art as described in co-pending Application No. 10/015,281 and the claims at issue;
- determine the level of ordinary skill in the pertinent art; and
- evaluate any objective indicia of nonobviousness.

The Office Action must apply the *Graham* factors to establish the required background for a provisional obviousness-type double patenting rejection. The Office Action fails to apply a single *Graham* factor to establish any of the necessary background elements for determining obviousness. In fact, the Office Action does not even mention the *Graham* factors. Without any mention or consideration of the *Graham* factors whatsoever, the Office Action cannot support an obviousness-type double patenting rejection, and the rejection should be withdrawn.

The Office Action Fails To State Reasons Why A Person Of Skill
In The Art Would Conclude That The Claims Are Obvious

The Office Action presents no argument why a person of ordinary skill in the art would conclude that claims 17-31 in the present case are obvious in view of

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claims 1-39 of co-pending Application No. 10/015,280. In fact, the Office Action says not one word regarding why a person of ordinary skill in the art would conclude that claims 17-31 in the present case are obvious in view of claims 1-39 of co-pending Application No. 10/015,280. The Office Action therefore cannot support an obviousness-type double patenting rejection, and the rejections should be withdrawn.

Summary Regarding Double Patenting

The provisional double patenting rejections of the claims of the present application over claims 1-39 of co-pending Application No. 10/015,280 and claims 1-53 of co-pending Application No. 10/015,281 should be withdrawn for the reasons set forth above. The Office Action does not demonstrate that the co-pending Applications establish a *prima facie* case for obviousness against claims 17-31 of the present application. The Office Action does not establish the necessary background for determining obviousness required for an obviousness-type double patenting rejection. Furthermore, the Office Action fails to articulate reasons why a person of ordinary skill in the art would conclude that claims 17-31 in the present case are obvious in view of 1-39 of co-pending Application No. 10/015,280 and claims 1-53 of co-pending Application No. 10/015,281. The provisional rejection of claims 17-31 should therefore be withdrawn.

Conclusion

Claims 17, 19, 20, 21, 23, 24, 26, 27, 28, 30, and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Farris, *et al.* (U.S. Patent No. 6,122,357). For the reasons discussed above, Farris does not anticipate Applicants' claims. Claims 18 and 25 stand rejected under 35 U.S.C § 103(a) as unpatentable over Farris, *et al.* (U.S. Patent No. 6,122,357) in view of Schuster, *et al.* (U.S. Patent No. 6,804,224). Claims 22 and 29 stand rejected under 35 U.S.C § 103(a) as unpatentable over Farris, *et al.* (U.S. Patent No. 6,122,357) in view of Zimmerman, *et al.* (U.S. Patent No. 6,526,131). As discussed above, neither the proposed combination of Farris and Schuster nor the proposed

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combination of Farris and Zimmerman establishes a prima facie case of obviousness against the Applicants' claims. Claims 17-31 stand provisionally rejected for non-statutory double patenting over claims 1-39 of co-pending Application No. 10/015,280 and claims 1-53 of co-pending Application No. 10/015,281. As discussed above, the Office Action does not provide the proper analysis to reject Applicants' claim for obviousness-type double patenting. Applicants respectfully traverse each rejection individually below and request reconsideration of all claims in the case.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

Date: February 23, 2006By: 

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